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Attorneys for State of Oregon

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

STATE OF OREGON, Acting by and through
the DEPARTMENT OF CORRECTIONS,

Plaintiff,

v.

NICHOLAS ADAM AMES,

Defendant.

Case No. 6:16-cv-345-TC

MOTION FOR ENTRY OF DEFAULT

Plaintiff the State of Oregon, acting by and through the Department of Corrections (the “State of Oregon”), requests that the clerk of the court enter default against Defendant Nicholas Adam Ames pursuant to Federal Rule of Civil Procedure 55(a). In support of this request the State of Oregon relies upon the record in this case and the affidavit submitted herein.

ELLEN F. ROSENBLUM
Attorney General

s/ Timothy D. Smith
Timothy D. Smith, #914374
Assistant Attorney General
Of Attorneys for Plaintiff
E-mail: tim.smith@doj.state.or.us

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AFFIDAVIT IN SUPPORT OF MOTION FOR
ENTRY OF DEFAULT

STATE OF OREGON)
) ss.
County of Marion)

I, Timothy D. Smith, first being duly sworn, depose and say that:

1. I am one of the attorneys for plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter;
2. The summons and complaint were filed on February 25, 2016.
3. Defendant Nicholas Adam Ames was served with a copy of the summons and complaint via substitute service upon Mike Swanzy, roommate, co-resident on March 23, 2016 at 320 14th Ave., Albany, OR 97322, and via US Mail on March 25, 2016, as reflected on the docket sheet by the proof of service filed on March 28, 2016.
4. An answer to the complaint was due on April 18, 2016.

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5. Defendant has failed to appear, plead or otherwise defend within the time allowed and, therefore, is now in default.

6. Plaintiff requests that the clerk of the court enter default against Defendant Nicholas Adam Ames.

/s/ Timothy D. Smith
Timothy D. Smith, #914374

SUBSCRIBED AND SWORN to before me this 19th day of April, 2016.

/s/ Teriann Masue Nakamura
Notary Public for Oregon
Commission No. 936122
My Commission Expires: February 8, 2019

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STATE OF OREGON, Acting by and through
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Case No. 6:16-cv-345-TC

NON-MILITARY AFFIDAVIT

STATE OF OREGON)
) ss.
County of Marion)

I, Timothy D. Smith, first being duly sworn, depose and say that I am one of the attorneys for plaintiff in the above-entitled action; that the defendant in said action against whom default is requested was not at the time of commencement of said action nor is now in the military service of the United States, nor is an infant or an incompetent person; and that defendant was served on

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March 23, 2016 at 320 14th Ave., Albany, OR 97322, and via US Mail on March 25, 2016, by serving a copy of the Summons and Complaint to the defendant via substitute service.

/s/ Timothy D. Smith
Timothy D. Smith, #914374

SUBSCRIBED AND SWORN to before me this 19th day of April, 2016.

/s/ Teriann Masue Nakamura
Notary Public for Oregon
Commission No. 936122
My Commission Expires: February 8, 2019

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2016, I served the foregoing Motion for Entry of Default, Affidavit in Support of Motion for Entry of Default, Non-Military Affidavit, and Order of Entry of Default upon the parties hereto by United States Postal Service, First Class Mail, postage prepaid, a true, exact and full copy thereof to:

Nicholas Adam Ames
320 14th Ave.
Albany, OR 97322

By: s/Timothy D. Smith
Timothy D. Smith, #914374
Assistant Attorney General
Attorneys for Plaintiff